

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78008 of 2023

Arising Out of PS. Case No.-449 Year-2023 Thana- MADHAURAH District- Saran

1. TILSHWAR SINGH S/O MAHATAM SINGH RESIDENT OF VILLAGE- JAMALPUR, P.S.- MADHAURA, DIST.- SARAN
2. DINESH SINGH S/O ANIL SINGH RESIDENT OF VILLAGE- JAMALPUR, P.S.- MADHAURA, DIST.- SARAN
3. PRINCE KUMAR S/O ANIL SINGH RESIDENT OF VILLAGE- JAMALPUR, P.S.- MADHAURA, DIST.- SARAN
4. VIKASH KUMAR SINGH @ VIKASH SINGH S/O DINESH SINGH RESIDENT OF VILLAGE- JAMALPUR, P.S.- MADHAURA, DIST.- SARAN
5. VIPUL KUMAR @ VIPUL KUMAR SINGH S/O DINESH SINGH RESIDENT OF VILLAGE- JAMALPUR, P.S.- MADHAURA, DIST.- SARAN
6. ANIL SINGH @ ANIL KUMAR SINGH S/O TILSHWAR SINGH RESIDENT OF VILLAGE- JAMALPUR, P.S.- MADHAURA, DIST.- SARAN
7. PINKU SINGH @ SATISH SINGH @ SATISH KUMAR SINGH S/O BINDA SINGH RESIDENT OF VILLAGE- JAMALPUR, P.S.- MADHAURA, DIST.- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-03-2024 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Marhowrah (Madhaura) P.S. Case No. 449 of 2023 for the offence registered under sections 147, 148, 149, 447, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code later on section 302 of the Indian Penal Code has been added lodged on 24.07.2023 by the informant, Krishn Kumar Singh.



3. As per the prosecution story, the allegation is that due to land dispute, the accused persons armed variously came and assaulted the informant's side. The allegation against Tileshwar Singh and Prince Kumar (petitioner nos. 1 and 3 respectively) is/are of assaulting the lady-mother of the informant (deceased) against Vipul Kumar @ Vipul Kumar Singh and Vikash Kumar Singh @ Vikash Singh (petitioner nos. 5 and 4 respectively), the allegation of assaulting the informant, causing injuries. So far as the allegation against petitioner nos. 6 and 7 (Anil Singh @ Anil Kumar Singh and Pinku Singh @ Satish Singh @ Satish Kumar Singh respectively) are concerned, the allegation is there of snatching the '*mangalsutra*' of the lady, wife of the informant, an allegation of assault is/are not there against them.

4. Learned Counsel for the petitioners submit that due to land dispute, minor scuffle took place, the lady fell down but that has been exaggerated to show injuries. Again, so far as the other family members of the informant are concerned, the injuries have been found to be simple in nature.

5. Learned Counsel appearing on behalf of the informant submits that a bare perusal of the FIR would show that all of them have brutally assaulted.



6. Considering the said facts as also submissions so far as the anticipatory bail application of petitioner nos. 1, 3, 4 and 5 namely, Tileshwar Singh, Prince Kumar, Vikash Kumar Singh @ Vikash Singh and Vipul Kumar @ Vipul Kumar Singh respectively stand rejected.

7. So far as Pinku Singh @ Satish Singh @ Satish Kumar Singh (petitioner no. 7), Dinesh Singh (petitioner no. 2) and Anil Singh @ Anil Kumar Singh (petitioner no. 6) are concerned, considering the fact that allegation of assault is/are not against them, they do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail.

8. Let Pinku Singh @ Satish Singh @ Satish Kumar Singh (petitioner no. 7), Dinesh Singh (petitioner no. 2) and Anil Singh @ Anil Kumar Singh (petitioner no. 6) in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of C.J.M., Saran in connection with Marhowrah @ Madhaura P.S. Case No. 449 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioner nos. 2, 6 and 7, who shall provide official document to show their *bona fide*;

(ii) the petitioner nos. 2, 6 and 7 shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioner nos. 2, 6 and 7 shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner nos. 2, 6 and 7 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioner nos. 2, 6 and 7 shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

